

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LARRY KEATLEY, an individual; VIRGIL
RASK, an individual; and MATTHEW
LINDLEY, an individual;

Plaintiffs,

vs.

UNION PACIFIC RAILROAD COMPANY, a
corporation;

Defendant.

8:21CV455

SIXTH AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Stipulated Motion to Continue Pretrial Deadlines ([Filing No. 64](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Stipulated Motion to Continue Pretrial Deadlines ([Filing No. 64](#)) is granted, and the fifth amended final progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **December 9, 2024**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **December 23, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 2) The planning conference scheduled for November 8, 2024, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held before the assigned magistrate judge by telephone on **January 6, 2025, at 10:00 a.m.** Counsel shall use the updated conferencing instructions assigned to this case to participate in the conference.
- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **January 6, 2025**.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 20.
 - b. Depositions will be limited by Rule 30(d)(1).
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **January 23, 2025**.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 23, 2025**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 29th day of October, 2024.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge